

Read 13 March 1753

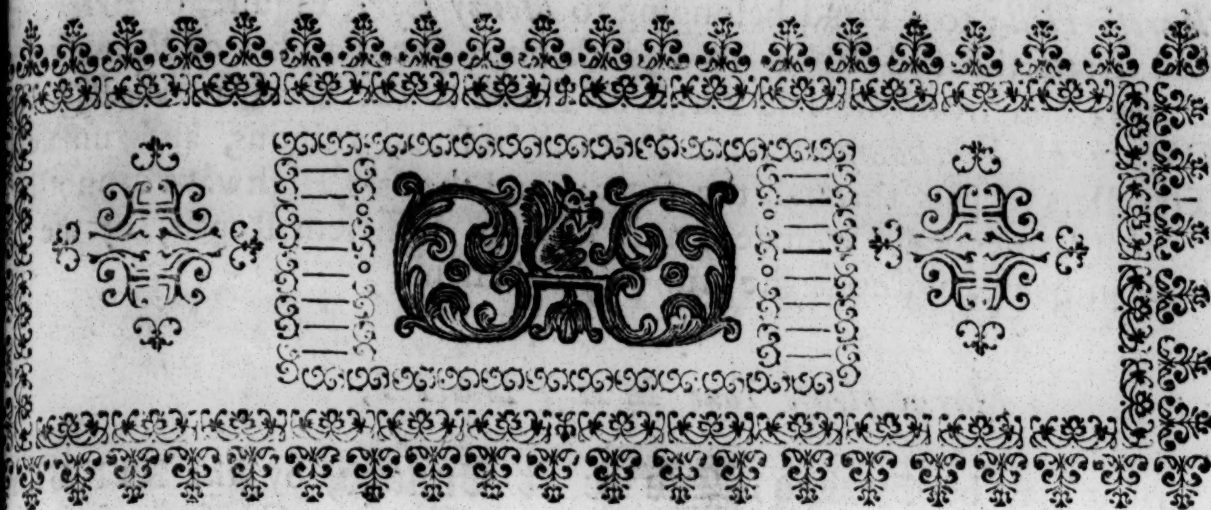
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Enacted 26 Geo. II Public Acts, c 66

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England. - Parliament. [Bills. - II George II]

A BILL for Repairing and Widening the Roads leading from Lobcomb-Corner, in the Parish of Winterslow, to Harnham-Bridge, in the County of Wilts; and from the Corner of Saint Anne's-Street, in the City of New Sarum, to the Parishes of Landford and Brook; and from thence to Faling, in the County of Southampton.

Whereas the Highways leading from Lobcomb-Corner, in the Parish of Winterslow, in the County of Wilts, to a Public-house called the Hut, in the said Parish, and from thence to Saint Thomas's Bridge, in the Parish of Laverstock; to Winchester-Gate, entering into the City of Salisbury, and through certain Streets called Winchester-street, Catharine-street, Draghall-street, to a certain Bridge called Harnham-Bridge; and from the Corner of Catharine-street, through Saint Anne's-street, to Saint Martin's Church; and from thence to a Place called Peters-finger, in the said Parish of Laverstock, to the Parish of Alderbury; and from thence

thence to a Place called *Waddon Gate*, in the said Parish, over *White Parish-Hill*; to a Pond belonging to *Henry Eyre*, Esquire, of *Brickworth*, and from the said Pond to and through the Parishes of *Landford* and *Brook*; and from the said Parish of *Brook* to the Parish of *Ealing*, in the County of *Southampton*; are become bad and ruinous, and unsafe for Travellers to pass through the same; and the said Highways cannot be effectually amended, widened, and kept in sufficient Repair, by the Law now in being, without the Aid of Parliament;

May it please Your MAJESTY,

That it may be Enacted; And be it Enacted, by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That

Trustees
Names.

shall be, and are hereby nominated and appointed, Trustees for surveying,
 ordering, amending, widening, and keeping in Repair, the said Roads:
 And the Trustees before-named for repairing the said Roads, and the Trustees may
 Survivors of them, or any or more of them, or such other Person erect Turn-
 or Persons as they, or any or more of them, shall authorize and ap- pikes, and
 point, shall and may erect, or cause to be erected, One or more Gate or Toll-houses;
 Gates, Turnpike or Turnpikes, in, upon, cross, or on the Sides of, any
 Part or Parts of the Roads before-mentioned; and also a Toll-house or
 Toll-houses in or upon such Roads; and shall demand and take the Tolls and take Tolls
 follow- thereat:

following, before any Horse, Mare, Gelding, Mule, Ass, Cattle, Coach, Landau, Berlin, Chariot, Chaise, Calash, Chair, Hearse, Waggon, Cart, or Carriage, whatsoever, shall be permitted to pass through the same; that is to say,

Tolls.

Tolls vested
in Trustees.

Provided nevertheless, That the said Trustees shall not set up or erect or cause to be set up or erected, any Gate or Gates, Turnpike or Turnpikes, on the South or West Sides of *Winchester-Gate*, or in any other Place within the Jurisdiction of the said City of *Salisbury*, or the Close thereto adjoining: Which said respective Sum or Sums of Money shall be demanded and taken in the Name of, or as, a Toll: And the Monies, so to be raised and collected, shall be, and are hereby vested in the said Trustees, and in the Survivors of them; and the same, and every Part thereof, shall be paid, applied, disposed of, and assigned, to and for the several Uses, Intents, and Purposes, and in such manner, as is herein after-mentioned and directed: And the said Trustees or any or more of them, are hereby impowered, by themselves, or any Person or Persons by them, or any or more of them, under their Hands and Seals, thereunto authorized and appointed, to demand and take the Tolls hereby granted and required to be paid, and to the same upon any Person or Persons who shall (after Demand made thereof) neglect or refuse to pay such Tolls, as aforesaid, by of any Horse or Horses, or other Cattle or Goods, upon which such Tolls are by this Act imposed.

imposed, or by Person or Persons who ought to pay the same; and to keep and detain the same, until such Tolls, with the reasonable Charges of such shall be paid: And it shall and may be lawful to and for such Person and Persons

made and taken to returning the Overplus (if any be), upon Demand, to the Owner thereof, after such Tolls and reasonable Charge, for the same, shall be deducted and paid.

Provided always, and be it further Enacted, by the Authority ^{Qualification} of Trustees. That no Person shall be qualified or capable of acting as a Trustee, in the Execution of this Act, unless he shall be, in his own Right, or in Right of his Wife, in the actual Possession and Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments (being Freehold, Leasehold, or Copyhold), of the clear yearly Value of above Reprizes; or possessed of, or intitled unto, a personal Estate alone, or real and personal together, to the Amount or Value of Pounds, more than sufficient to pay all his Debts; and unless the Person claiming to have Pounds a Year, or Pounds personal Estate alone, or real and personal together, as aforesaid, shall take and subscribe the Oath following, or, being one of the People called *Quakers*, an Affirmation to the Purport of the said Oath (if thereunto required), before any or more of the said Trustees, as aforesaid (who are hereby authorized and required to administer the same), before he takes upon himself to act in the said Trusts and Authorities of this Act; which said Oath or Affirmation shall be in the Words, or to the Effect, following; that is to say,

I A. B. do swear (or, being one of the People called Quakers, do solemnly affirm), That I truly, and bona fide, am, in my own Right, or in the Right of my Wife, in the actual Possession and Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Pounds above Reprizes, or possessed of, or intitled unto, personal Estate alone, or real and personal Estate together, to the Amount or Value of Pounds more than sufficient to pay all my Debts. ^{The Oath.}

And if any Person or Persons, who shall be deemed unqualified, or made incapable, to act, for the Causes aforesaid, shall nevertheless presume to act, contrary to the Intent and Meaning of this Act, every such Person or Persons shall, for every such Offence or Offences, forfeit and pay the Sum of to any Person or Persons who shall inform and sue for the same, to be recovered in any of his Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, Bill, Suit, or Information; ^{Penalty on Trustees acting, if not qualified.}

formation ; wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

No Toll on
Election-
days.

Provided always, and it is hereby further Enacted and Declared, That, during the Continuance of this Act, no Toll ſhall be demanded or taken, by virtue of this Act, for Coaches, Berlins, Landaus, Chariots, Chaiſes, Calaſhes, Chairs, or Litters, or Paſſengers on Horſeback, the Day or Days on which there ſhall be an Election or Elections of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of *Wilts*, or on the Day before, and the Day after, ſuch Election or Elections ſhall begin and end ; ſuch Coaches, Berlins, Landaus, Chariots, Chaiſes, Calaſhes, Chairs, Litters, or Paſſengers, going to, or returning from, ſuch Election or Elections ; any thing herein contained to the contrary notwithstanding.

Application
of the Tolls:

And be it Enacted, by the Authority aforeſaid, That, out of the firſt Money ariſing by the Tolls and Duties which ſhall be collected at the ſeveral Turnpikes ſo to be erected in purſuance of this Act, or out of the Money to be borrowed and taken up on the Credit thereof, the Truſtees for repairing the ſaid Roads, and their Succeſſors, or any or more of them, ſhall, in the Firſt place, pay and diſcharge all the Expences and Charges incident to and attending the obtaining and paſſing this Act of Parliament ; and alſo the Charges and Expences of putting up and erecting ſuch Turnpikes and Toll-houſes as they ſhall think proper on the ſaid Road ; and that, from and after the paying the ſaid Expences and Charges, then, and from thenceforth, the Money ariſing by the Tolls to be collected at ſuch Turnpike or Turnpikes as ſhall be erected and ſet up on the ſaid Roads, ſhall be laid out and applied for and towards repairing the ſaid Roads, and other neceſſary Charges attending ſuch Repairs, and for ſuch other Purpoſes as are herein after-mentioned.

Penalty on
Persons per-
mitting Paſ-
ſage through
private
Grounds.

And be it further Enacted, by the Authority aforeſaid, That if any Perſon or Perſons whatſoever, owning, renting, or occupying, any Lands, Grounds, or Tenements, near unto the ſaid Turnpike or Turnpikes to be erected in purſuance of this Act, ſhall knowingly permit any Perſon or Perſons whatſoever to paſs through any Gate, Paſſage, or Way, with any Coach, Landau, Berlin, Chariot, Hearſe, Calaſh, Chaiſe, or Chair, Waggon, Cart, or Carriage, or riding or driving any Horſe, Mare, Gelding, Aſs, Mule, or any Sort of Cattle, whereby the Payment of the Tolls by this Act laid ſhall be avoided or leſſened, and being thereof convicted, on Oath, before the ſaid Truſtees, or any or more of them (which Oath the ſaid Truſtees, or any or more of them, are hereby impowered and required to adminiſter), or upon Oath before One or more Juſtice or Juſtices of the Peace for the County where ſuch Offence or Offences ſhall be committed (which Oath the ſaid Juſtice or Juſtices is and are hereby required to adminiſter), ſhall, for every ſuch Offence, reſpectively to the Truſtees authorized and appointed to put this Act in Execution, or to

to their Treasurer for the Time being, the Sum of
 which Sum, in case the same be not paid on Demand, shall be
 of the Offender's Goods, by Warrant under the
 Hand and Seal, Hands and Seals, of the said Trustees, or any or more
 of them, or under the Hand and Seal, Hands and Seals, of such Justice
 or Justices; rendering the Overplus to the Owner (if any be), the reason-
 able Charges of Taking and Disposing of the said Goods being first deduct-
 ed; which Charges shall be settled by the said Trustees, or any or
 more of them, or by the said Justice or Justices; which said Penalty of
 shall go and be applied, one Moiety thereof to the Use
 of the Informer, and the other Moiety towards amending the said Roads.

And be it Enacted, by the Authority aforesaid, That it shall and may Trustees may
 be lawful to and for the said Trustees, or any or more of them, to erect Side-
 gates.
 erect One or more Gate or Gates, Turnpike or Turnpikes, on the Side of
 the said Roads, cross any Lane or Way leading out of the same (except at
 such Places as are before excepted); and there to receive and take such
 Tolls as are by this Act imposed, and appointed to be taken at the Turn-
 pikes to be erected by virtue hereof; so as the same do not extend to a
 double Charge, in case of passing through any other of the Turnpikes to
 be erected by virtue of this Act.

And be it also Enacted, by the Authority aforesaid, That the said Trustees may
 Trustees, or any or more of them, at their First Meeting, or at any appoint Offi-
 cers.
 succeeding Meeting, by Writing, under their Hands and Seals, shall and
 may elect, nominate, and appoint, One or more fit Person or Persons to
 be Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Col-
 lector or Collectors, of such Tolls as are by this Act granted; and
 also One or more fit Person or Persons to be Surveyor or Surveyors,
 to view the said Roads, and see that the same are repaired; and also that
 the Money arising and expended by this Act be duly applied; and the said
 Trustees, or any or more of them, shall and may, at any General
 Meeting, from time to time, remove such Clerks, Treasurers, Receivers,
 Collectors, and Surveyors, or any of them, as they shall see Occasion; and
 appoint new ones, in case of Death, or such Removal: And such Person
 or Persons as is or are by this Act liable to pay the said Tolls, is and are
 hereby required to pay the same, after the Rates aforesaid, to such Trea-
 surer or Treasurers, Receiver or Receivers, Collector or Collectors, of the
 said Tolls, from time to time appointed, as aforesaid: And the Person or Officers to
 persons so appointed, as aforesaid, for collecting and receiving the said Tolls, account upon
 and all such Collectors and Surveyors, as aforesaid, shall, upon Oath, if Oath:
 hereto required by the said Trustees, or any or more of them, before
 the said Trustees, or any or more of them, or before One or more
 Justice or Justices of the Peace residing near the Roads aforesaid (which
 Oath the said Trustees, or any or more of them, or such Justice or
 Justices, is and are hereby impowered and required to administer), on the
 First

First in every Month, or oftener, if required, during the Continuance of this Act, give a true and perfect Account, in Writing, under their respective Hands, of all such Monies which he and they shall to such time have received and paid, by virtue of this Act, by reason of their respective Offices; for which Oath no Fee shall be taken, and the same may be taken in Writing, without any Stamp thereon: And in case any Money so received, shall remain in their or any of their Hands, the same shall be paid to the Trustees, or any or more of them, or to such Person or Persons as they shall, by Writing under their Hands, empower to receive the same; which Money shall be laid out in amending the said Roads, and not otherwise: And the said Trustees, or any or more of them, to whom the said Account shall be given, shall and may, out of the Money arising by the said Tolls, make such Allowance to the said Clerks, Treasurers, Receivers, Collectors, and Surveyors, and to such other Person or Persons who have been, or shall be, assisting in or about procuring the said Roads to be amended and repaired, as the said Trustees, or any or more of them, at their General Meeting, shall think fit: And in case the said Receivers or Collectors of the aforesaid Tolls, or any of them, shall not make such Account and Payment unto such Person or Persons, according to the Directions of the said Trustees or any or more of them, as aforesaid; that then the said Justice of the Peace shall make Inquiry of and concerning such Default, as well by the Confession of the said Parties, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justices are hereby required to administer without Fee or Reward): And if any such Person or Persons shall be convicted thereof by such Justices, the said Justices shall, upon such Conviction, the Party or Parties to

Trustees to allow Officers Salaries.

Officers refusing to account, to be

he, she, or they, shall have made a true Account and Payment aforesaid or shall have compounded and agreed with such Trustees, and paid such Composition to the Treasurer for the Time being; which Composition the said Trustees respectively, or any or more of them, at any Meeting assembled, are hereby authorized and empowered to make.

And be it further Enacted, by the Authority aforesaid, That the Trustees, or any or more of them, are hereby required to take such Security from the Treasurer or Treasurers to be appointed for the Purpose of this Act, for the due Execution of the said Office, as to the said Trustees, or any or more of them, shall seem meet.

Treasurers to give Security.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor and Surveyors, and such Person and Persons as he or they shall appoint, to dig, take, and carry away any Gravel, Chalk, Stones, Furze, Heath, and other Materials, out of any River, Stream, or other Water, and to use the same in the said Roads, or in any other Road, or in any other Use, or in any other Manner, as they shall think fit.

Surveyors to dig Gravel, &c. in Waste-Grounds, and carry away the same.

River or Brook, Waste or Common, of or in any Parish, Village, or Hamlet, in or near which any ruinous Places of the said Road do lie, without paying any thing for the same; such Surveyor or Surveyors filling up and levelling all such Holes and Pits where any such Materials, as aforesaid, shall be taken and carried away: And, where there is not sufficient of such Materials in any such River or Brooks, Commons, or Waste-ground, near adjoining to the said Roads, it shall and may be lawful to and for such Surveyor or Surveyors, by Order of the said Trustees, or any or more of them, from time to time, to dig and carry away the same in the several Grounds of any Person or Persons (not being the Ground whereon any House or Houses stand, or a Garden, Orchard, Yard, or Park inclosed for keeping Deer, or Water, Meadow, planted Walk, or Avenue to any House, or any Piece of Ground set apart as a Plantation for Trees), where any such Materials are, or can be found; paying for the Damage done to the Owners and Occupiers respectively of the Ground where the same shall be digged, or from whence such Materials shall be carried away, or over which the same shall be carried, as the said Trustees appointed, or to be appointed, as aforesaid, or any or more of them, shall judge reasonable: And in case any Difference shall happen between such Owners and Occupiers, and the said Trustees, touching such Damages aforesaid, the Justices of the Peace, upon Application made to them, at the next General Quarter-Sessions of the Peace to be holden in the said County, or the Part of them, shall and may hear, adjudge, assess, and finally determine the same.

and, in case of a Deficiency there to take Gravel, &c. out of private Grounds.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as they shall appoint (by Order of the said Trustees, or any or more of them), to make, or cause to be made, Causeways, and to cut and make Drains through any Grounds lying contiguous to the said Roads, and to make and erect Arches or Bridges of Brick, Timber, or Stone, on the said Road; and also to widen any of the narrow Parts of the said Roads, by opening, or laying into the said Roads, any Grounds of any Person or Persons lying contiguous thereto (not being the Ground whereon any House or Houses stand, or Garden, Orchard, planted Walk, or Avenue to any House already planted, or Nursery for Trees); and also to cause Ditches or Trenches to be made, in such manner as such Surveyor or Surveyors, by Order of the said Trustees, or any or more of them, shall adjudge necessary for the better amending, and keeping the said Roads in good Repair; making such reasonable Satisfaction to the Owners and Occupiers of such Ground respectively, for the Damages which such Owners or Occupiers shall or may thereby sustain, as shall be adjudged by the said Trustees, or any or more of them: And in case any Difference shall happen between such Owners or Occupiers and the said Trustees, touching such Damages, as aforesaid, that then it shall and may be lawful to and for the Justices of the Peace, or the Part of them, at the next General

Surveyors to make Causeways, cut Drains, &c.

Making Satisfaction.

neral Quarter-Sessions to be holden for the County wherein the Matter in Dispute shall lie, to hear, settle, adjudge, and finally determine, the same. And if any Owner or Owners, or Occupiers, of any Watercourse or Watercourses, Ditch or Ditches, adjoining to the said Roads, shall neglect or refuse to scour and cleanse such Watercourse or Watercourses, and to make such Ditch or Ditches so deep, and in such manner, as the Surveyor or Surveyors hereby appointed, or to be appointed, shall, from time to time judge proper and convenient, after Days Notice shall be given for that Purpose by such Surveyor or Surveyors, or such Person or Persons as he or they shall appoint, to such Owner or Owners, Occupier or Occupiers; it shall and may be lawful to and for such Surveyor and Surveyors to set any Man or Men to work, to scour, cleanse, and make the same; and, by Warrant from any or more of the said Trustees, to the Charge thereof on the Goods or Estates of the Owner or Owners, Occupier or Occupiers, of such Watercourse or Watercourses, Ditch or Ditches, by of his, her, or their Goods and Chattels rendering the Overplus (if any be), after all Charges of such thereout deducted, to the said Owner or Owners, Occupier or Occupiers when by him, her, or them, demanded.

Trustees to borrow Money, and assign the Tolls as a Security for the same.

And forasmuch as the Monies to be collected by Receipt of such Tolls hereby granted, and made payable, as aforesaid, will not at present be sufficient for the speedy and effectual Repairing of the said Roads, and discharging the Expence of procuring and passing this Act of Parliament. **Be it further Enacted**, by the Authority aforesaid, That the said Trustees, or any or more of them, shall and may, and are hereby empowered from time to time, at a General Meeting to be held by them for that Purpose, by Writing under their Hands and Seals, to assign over the Tolls hereby granted, and made payable, or any Part thereof (the Costs and Charges whereof to be borne and paid out of such Tolls), for any Time or Term during the Continuance of this Act, as a Security for any Sum or Sums of Money to be borrowed by such Trustees for that Purpose, to such Person or Persons who shall advance and lend the same, to secure the Repayment thereof, with Interest for the same, not exceeding *per Centum per Annum*; which said Money, so borrowed, shall, in the First place, be applied and disposed of for and towards paying the Charges and Expences of procuring and passing this Act of Parliament; and then the same shall be laid out, and applied, to such Uses and Purposes as the said Tolls are hereby directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Notice to be given of borrowing Money.

Provided always, and it is hereby Declared, That no Money shall be borrowed on the Credit of this Act, by the said Trustees, at their First or any subsequent Meetings, unless Notice in Writing, under the Hand of the Clerk to the said Trustees, be, by Order of the said Trustees, or any or more of them, for that Purpose, fixed upon One

or more of the Turnpike-gates to be erected by virtue of this Act, at least
 Days before the Borrowing of such Money.

And, for preventing Frauds and Abuses being committed in the said ^{Penalty on} Tolls, **Be it further Enacted**, by the Authority aforesaid, That if any ^{Persons dis-} Person or Persons, having paid the Tolls by this Act granted, and made ^{posing of} payable, and having such Notes or Tickets as is or are hereby directed to ^{Tickets, to} be given, shall give or dispose of the same to any Person or Persons, in ^{avoid paying} order to avoid the Payment of any of the said Tolls, every such Person ^{the Tolls;} giving, disposing, or offering, such Note or Ticket, Notes or Tickets, and ^{and on Per-} the Person and Persons receiving and taking the same, and being convicted, ^{sons receiving} upon Oath, before the said Trustees, or any ^{them.} or more of them, or upon Oath before any One or more Justice or Justices of the Peace for the County where such Offence or Offences shall be committed (which Oath such Justice or Justices is and are hereby impowered to administer), shall respectively forfeit and pay the Sum of to be recovered and disposed of, as any other Penalty or Forfeiture is directed to be recovered and disposed of, by this Act.

And be it further Enacted, by the Authority aforesaid, That if any ^{Penalty for} Person or Persons shall, at any time during the Continuance of this Act, ^{unloading} unload, or cause to be unladen, any Grain, or any Sort of Goods, at or ^{of Goods,} before he, she, or they, shall come to any Gate or Turnpike erected by ^{or taking off} virtue of this Act, or shall take off, or cause to be taken off, any Horse, ^{Horses to} Mare, Gelding, or Mule, from any Coach, Landau, Berlin, Chariot, Ca- ^{evade the} ch, Chaise, Chair, Hearse, or Litter, or any Horse, Mare, or Gelding, Ox ^{Tolls.} or Oxen, or other Cattle, from any Waggon, Cart, or other Carriage, at or before the same shall come to any Gate or Turnpike erected by virtue of this Act, with an Intent to avoid paying any of the Tolls by this Act made payable, or any Part thereof, or shall conceal or secrete any Goods or Things chargeable with any of the Tolls aforesaid, or shall put or leave in any House, or other Place, any Horse, Mare, or Gelding, or any other Cattle, chargeable with, or liable to pay, the said Tolls, with such Intent as aforesaid, to avoid the Payment thereof; each and every Person, so offend- ing in any of the said Cases, and being convicted thereof, upon Oath, be- fore the said Trustees, or any or more of them, or before One or more Justice or Justices of the Peace for the County wherein the said Offence shall be committed (which Oath the said Trustees, or any or more of them, or the said Justice or Justices, is and are hereby im- powered and required to administer) shall forfeit, for every such Offence, the Sum of which said Sum, in case the same be not paid, on Demand, to the said Trustees impowered to put this Act in Execution, shall be recovered and disposed of, as any other Penalty or For- feiture is directed by this Act to be recovered and disposed of.

Exemptions
from Tolls.

Provided also, and it is hereby Declared, That none of the Toll by this Act granted, and made payable, shall be demanded or taken at any of the Turnpike-gates erected, or to be erected, by virtue hereof, for any Carriages, carrying any Quantities of Stones, Brick, Lime, Timber, Wood, Gravel, or other Materials for repairing the Roads aforesaid, or for repairing any of the Roads in the Parishes wherein the Turnpike-Roads lie, or in any of the neighbouring Parishes, or for any Carriages carrying through the said Turnpikes any Dung, Mould, or Compost, of any Nature or Kind whatsoever, for manuring of Gardens or Land, nor for any Carts, Waggon, or Carriages, loaden with Hay, Straw, or Corn in the Straw, to be laid up in the Houses, Outhouses, Barns, or Yards, of and belonging to the respective Inhabitants of the several Parishes, Townships, or Places, or for any Ploughs, Harrows, or other Implements of Husbandry, in order to the using or repairing of the same; or for any other things whatsoever employed in Husbandry, or for Mannring or Stocking of Land in the several Parishes in which the said Roads hereby intended to be repaired do lie; nor from any Person or Persons residing in any of the Parishes, in which the said Roads hereby intended to be repaired do lie, passing or repassing to or from Church, or other Place of religious Worship, on the Sabbath-Day; nor shall any Toll be demanded or taken from any Person or Persons who shall attend the Funeral of any Person or Person that shall die within any of the said Parishes; nor for any Horses or Cattle going to, or returning from, Pasture or Water, belonging to such Parishes, Townships, or Places; nor for any Post-Horse carrying the Mail or Packet, nor for such Horse as is or shall be used only to ride on by any Driver of any Waggon, Cart, or Carriage, provided such Horse, so rid on, do pass through the said Turnpike with such Waggon, Cart, or Carriage; nor shall any Toll or Duty be demanded or taken for the Horses of such Soldiers passing as are or shall be upon their March, nor for Carts, Carriages, or Waggon, attending them; nor for Horses, Carts, or Waggon, travelling with Vagrants sent by Passes.

Turnpikes
and Toll-
houses vested
in Trustees.

And be it further Enacted, by the Authority aforesaid, That the Right and Property of all and every the Turnpikes and Toll-houses, which shall be erected and built by virtue of this Act, shall be vested in the said Trustees appointed, or to be appointed, to put the same in Execution; and that they, or any or more of them, are hereby authorized and empowered to dispose thereof as they shall think proper, or to bring Action in their Names, or in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, or any One or more of them, or prefer Bills of Indictment, against any Person or Persons who shall steal, take away, break down, or spoil, such Turnpikes or Toll-houses, or any or either of them so directed to be built as aforesaid.

Persons
chargeable to
the High-

Provided always, and be it further Enacted, by the Authority aforesaid, That all and every Person or Persons who, by Law, is and are chargeable

chargeable towards the repairing and amending the said Road hereby intended to be repaired, shall still remain chargeable, and do their respective Days Works in the said Parishes, Townships, or Places, in which the said Road doth lie, in such manner as he, she, or they, ought to have done before the Passing of this Act. ways to continue so.

And be it Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any or more of them, at their publick Meetings, from time to time, during the Continuance of this Act, to compound or agree by the Year, or otherwise, with any Person or Persons using to travel through the said Turnpikes, to be erected by virtue of this Act, with any Horse, Coach, Landau, Berlin, Chariot, Calash, Chaise, Chair, Waggon, Cart, or other Carriage, or with any Cattle whatsoever, for a certain Sum of Money, to be paid, as the Trustees, or any or more of them, at their publick Meetings, as aforesaid, shall think reasonable, in lieu of the Tolls to be paid by any Passenger or Passengers usually going through the said Turnpikes to be erected. Trustees may compound with Passengers.

And, for the better Recovery of such Sum or Sums of Money, as shall be agreed to be paid by any Person or Persons for, or in lieu of, passing through all or any of the Turnpikes; **Be it Enacted**, by the Authority aforesaid, That, in case any Composition, so agreed to be paid to the said Trustees, within their respective Districts, or any or more of them, or to such Person or Persons as they, or any or more of them, shall appoint to receive the same, within after the same shall be demanded, it shall and may be lawful to and for the said Trustees, in their respective Districts, or any or more of them, upon Oath made before any or more of them, of such Default of Payment (which Oath any or more of them are hereby impowered to administer), to issue out under their Hands and Seals, impowering such Person or Persons, so by the said respective Trustees, or any or more of them, appointed to receive such Composition-money, to the same by of such Person or Persons as hath or have, or shall make such Composition for passing through all or any of the said Turnpikes, as aforesaid, rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after the said Composition, and the reasonable Charges of shall be deducted. Composition-money how to be recovered.

And, for preventing Differences which may arise between the said Trustees and the Surveyors of the Highways, for the Time being, for the several Parishes and Places through which the Roads aforesaid do lead, touching what Part of the Statute-work in any Parish, Place, or Division, ought to be done on the Roads by this Act directed to be repaired; **Be it further Enacted**, by the Authority aforesaid, That it shall and may be lawful for the Justices of the Peace, at any of their General or Petty Sessions, Proportions of Statute-work how to be adjusted.

to be held for any of the Divisions in which the said Roads do lie; upon Application made to them by the said Trustees, or any or more of them, to adjudge and determine what Part or Proportion of the Statute-work shall be done in the Road aforesaid, by the Inhabitants of each or any of the Parishes or Tythings in which the said Roads hereby directed to be amended do lie.

Provided also, and be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any or more of them, from time to time, during the Continuance of this Act, to compound and agree with any of the Parishes, Tythings, or Townships, to which the said Roads do belong, or with any of the Owners, Possessors, or Occupiers, of such Lands, Tenements, or Hereditaments, as are or shall be liable or chargeable to the Repair of any Part of the said Roads, for a certain Sum of Money, or Land or Ground adjoining to the said Roads, to be laid into the same, or otherwise, by as the said Trustees, or any or more of them, shall think reasonable in lieu of the Statute or other Work, or Repairs, to be done by such Parish or Parishes, Township or Townships, Tything or Tythings, or by such Owner or Owners, Possessor or Possessors, Occupier or Occupiers, of such Lands, Tenements, and Hereditaments, chargeable as aforesaid; Copies of all which Compositions or Agreements, so to be made by the said Trustees as aforesaid, shall be entered at Length in a Book or Books, to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall and may, at all seasonable Times, be seen and perused by any Person or Persons whomsoever, without Fee or Reward.

And be it further Enacted, by the Authority aforesaid, That the respective Surveyor or Surveyors of the Highway, for the Time being, of all and every the Parish and Parishes, in which the said Roads, intended to be repaired by this present Act, do lie, shall, yearly and every Year, during the Continuance of this Act, within Days after Demand made to him or them, in Writing, by the Turnpike Surveyor or Surveyors, appointed or to be appointed by the said Trustees, or any or more of them, give and deliver to the said Turnpike-Surveyor or Surveyors, an exact List or Account in Writing, under his or their Hand or Hands, of the Christian and Surnames of all and every Person and Persons, in the said respective Parishes and Places, who are by Law chargeable towards repairing the Roads in any of the said Parishes; and shall set forth and specify, in such List, what each Person is respectively charged with for and towards the same: And the said Parish Surveyor or Surveyors, for the Time being, respectively, within Days after Notice shall be given them, or either of them, by the said Turnpike-Surveyor or Surveyors, of the Time when, and how many of the Persons so chargeable as aforesaid, he or they would have to do such their respective Statute or Days Work, so adjudged or appointed as aforesaid, in and upon any Part or Parts of the said Roads, shall summon, or give public

Notice thereof to the said Person or Persons, so chargeable as aforesaid: And if any Parish-Surveyor or Surveyors aforesaid shall neglect or refuse to do as they are hereby required and directed to do, he or they, for every such Neglect or Refusal, shall forfeit and pay the Sum of

And if any Person or Persons, keeping a Team or Teams, Draught or Draughts, Cart or Carts, and chargeable towards repairing the said Roads, shall, after such Summons or publick Notice, neglect or refuse to send their respective Teams, Draughts, or Carts, to do and perform such their respective Days Work on the said Roads, he, she, or they, so neglecting or refusing, shall respectively forfeit and pay the Sum of

for every Team, Draught, or Cart, making Default each of the said respective Days: And if any Labourer, or other Person or Persons, so chargeable towards repairing the said Roads, shall, at any time, neglect or refuse, after such Summons or publick Notice, to do and perform the said appointed Days Work on the said Roads, he, she, or they, shall respectively forfeit and pay the Sum of

for each of the Days such Labourer, or other Person or Persons, shall make Default: And if any Person or Persons, who shall, according to such Summons or publick Notice, as aforesaid, come to work as Labourers, or be sent with any Team, Draught, or Cart, to work on the said Roads, are found idle or negligent by the said Turnpike-Surveyor or Surveyors respectively, where the Work is to be done, in such case the said Turnpike-Surveyor or Surveyors may, and is and are hereby impowered and required to remove and turn him or them off, who shall be found negligent or idle, as aforesaid; and it shall be esteemed as if such Person or Persons had not come or sent any Team, Draught, or Cart, to work on the said Roads; and he, she, or they, shall be subject and liable to the respective Forfeitures and Payments aforementioned, as if he, she, or they, had neglected or refused to do or perform the said respective Days Work so ordered and appointed, as aforesaid,

Provided always, and be it further Enacted, by the Authority ^{Surveyors} aforesaid, That if any of the Surveyors of the Highways of and for such ^{how to be re-} Parish, Township, or Hamlet, for which any such Composition shall be ^{imbursed.} made for any Statute or Days Work, as aforesaid, shall pay the Composition-money, or in case such Composition-money shall be on him in the Manner herein before provided, all and every such Surveyor or Surveyors shall and may be reimbursed the Composition-money he shall so pay, or which shall be so on him, together with the Charges of the same, in such manner as by the Laws now in being Surveyors of the Highways in this Kingdom are to be reimbursed the Monies by them expended in buying Materials for amending the Highways.

Provided always, and it is hereby Declared and Enacted, by the ^{No Person to} Authority aforesaid, That no Person or Persons having Occasion to pass ^{pay Toll re-} through any Turnpike or Turnpikes, where the Tolls are or shall be taken, ^{turning thro'} and who shall return the same Day through the same Turnpike or Turn- ^{the same} pikes, ^{Turnpike} before

piques, before with the same Coach, Berlin, Chariot, Landau, Caravan, Calash, Chaise, Chair, Hearse, Litter, Waggon, Wain, Cart, or other Carriage, Horse, Gelding, Mare, Mule, Ass, or any Sort of Cattle, for which such Tolls have been paid, shall be liable or compelled, the same Day, to pay the said Tolls more than once.

Lands charge-
able to the
Highways, to
continue so.

Provided always, and it is hereby Enacted and Declared, That if it shall appear to the said Trustees, or any or more of them, that any Lands, Tenements, or Hereditaments, or any Rents and Profits issuing out of any Lands, Tenements, or Hereditaments, now are, or hereafter shall be, liable and chargeable towards the amending any Part of the said Roads by this Act directed to be repaired, such Lands, Tenements, and Hereditaments, shall still remain liable and chargeable; and the Possessors and Occupiers of such Lands, Tenements, and Hereditaments, are hereby required and directed to pay such Rents and Profits to such Person and Persons as the said Trustees, or any or more of them, shall appoint to receive the Tolls granted by this Act: And, upon Default of Payment thereof, it shall and may be lawful to and for the said Trustees, or any or more of them, by Warrant under their Hands and Seals, to

of the Goods of such Person or Persons as shall neglect or refuse to make such Payment, as aforesaid; and such Rents and Profits when recovered and received, shall be applied, from time to time, for and towards amending the said Roads, and to no other Use or Purpose whatsoever.

Persons ac-
customed to
repair Bridges,
&c. to conti-
nue so.

Provided also, and be it further Enacted, by the Authority aforesaid, That where any Part or Parts of the said Roads, or where any Bridges, Brooks, or Drains and Sewers, lying in or upon, or near unto, or leading from, the said Roads hereby intended to be repaired, and which have been accustomed or ought to be repaired, cleansed, scoured, or maintained, by any particular Person or Persons, Body or Bodies Politick or Corporate, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or by the said County of *Wilts* or *Southampton*; all and every such Part and Parts of the said Roads, Brooks, Bridges, Drains, and Sewers, so lying in or upon the said Roads, shall, from time to time, be maintained, and kept in Repair, by such Person and Persons, Body or Bodies Politick or Corporate, and in such manner as the same were respectively maintained, and kept in Repair, before the Passing of this Act.

Trustees im-
powered to
purchase
Lands for
turning or
widening the
Roads.

And be it further Enacted, by the Authority aforesaid, That in case the said Trustees appointed, or to be appointed, to put this Act in Execution, or any or more of them, shall, from time to time, think proper to turn or alter the Way or Path of any Part of the said Roads, hereby directed to be repaired, for the better Accommodation of Coaches, Carriages and Passengers, that then it shall and may be lawful to and for the said Trustees, or any or more of them, and they are hereby authorized

and impowered, from time to time, to purchase, or agree for, any Lands or Grounds lying contiguous to the said Roads, of the Owners or Proprietors thereof (if such Owners or Proprietors shall be willing to sell and dispose of the same), and to pay for the same out of the Tolls by this Act granted, or out of the Money by them to be borrowed on the Credit thereof, such Sum or Sums of Money as shall be agreed upon between such Owners or Proprietors, and the said Trustees, or any or more of them, to be paid for the Purchase of such Lands and Grounds, with the Costs and Charges attending such Purchase or Purchases: And such Lands and Grounds, when purchased, as aforesaid, shall, by Order and Direction of the said Trustees, or any or more of them, be laid into, and made Part of, the said Road directed to be amended by this Act, in such manner as the said Trustees, or any or more of them, shall think convenient; and shall by them, or such Person or Persons as they, or any or more of them, shall order and appoint, be sufficiently ditched or fenced out for that Purpose: And, after the said Lands and Grounds shall be so ditched or fenced out, the same shall, not only during the Continuance of this Act, but shall for ever thereafter, to all Intents and Purposes, be esteemed and taken as a publick Highway; and shall be amended, and kept in Repair, by such Ways, and in such Manner, as other Ways are amended, and kept in Repair, by the Laws in being.

And whereas it may happen, that some Persons, or Bodies Politick, Corporate, or Collegiate, Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees, are seised or possessed of some Lands, Grounds, Tenements, or Hereditaments, which, according to the Powers given by this present Act, may, by the said Trustees, be thought necessary or proper to be taken in, and added, to the said Road, either for extending, widening, enlarging, turning, altering, or amending the same, as aforesaid, and they may be willing to treat and agree to sell such Lands, Grounds, Tenements, and Hereditaments, for the Purposes aforesaid; but are incapable of granting, selling, or conveying, the same, by reason of Infancy, or other Disability; **Be it therefore Enacted**, by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every Person and Persons whatsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, Tenements, or Hereditaments, to treat, contract, and agree, with the said Trustees, or any or more of them, for Satisfaction to be made them respectively for such their Lands, Grounds, Tenements, and Hereditaments, or any Part thereof, or their Interest therein, for the Purposes aforesaid, and to sell and convey the same, on Occasion shall be or require; and that all Contracts, Agreements, Sales, and Conveyances, which shall be made, shall be valid, to all Intents and Purposes; any Statute, Usage, or any other Matter or Thing whatsoever,

to the contrary thereof in any-wise notwithstanding: And that all Fees in Trust, Executors, Administrators, Guardians, and Trustees, Corporations Corporate or Collegiate, Aggregate or Sole, and all other Persons are, and shall be hereby, indemnified for what they shall do by virtue, or in pursuance, of this Act.

On Refusal to
treat, to be
settled by a
Jury.

And it is hereby further Enacted, That, if any such Owner, Proprietor, Occupier, Body Politick, Corporate, or Collegiate, or other Person or Persons, interested in such Lands, Grounds, Tenements, or Hereditaments, upon convenient Notice to be given, or left in Writing at the Dwelling-house, or Place of Abode, of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate of the Lands, Grounds, Tenements, and Hereditaments, so to be taken into, and added to, the said Roads, as aforesaid, or into which such Way, Path, or Road, shall be turned or altered, as aforesaid, shall, by the Space of Days after such Notice given, or left, as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or, by reason of Absence, shall be prevented from treating then, and in every or any such Case, the said Trustees, or any or more of them, shall cause it to be inquired into, and ascertained, by and upon the Oaths of a Jury of indifferent Men of One, some, or all of the Parishes, in which the said Roads lie (which Oath the said Trustees, or any or more of them, are hereby impowered to administer), what Damages such Owners, Occupiers, or Proprietors, or other Person or Persons interested or concerned therein, shall or may suffer or sustain, for or by reason of the Taking of any such Land, Ground, Tenements, or Hereditaments into the said Roads, and what Recompence or Satisfaction such Owners, Occupiers, Proprietors, or other Person or Persons suffering thereby, shall respectively have by reason or on account thereof: And for that Purpose and in order thereto, the said Trustees, or any or more of them are hereby impowered and required, from time to time, as Occasion shall be or require, to summon and call before them, all and every Person and Persons whatsoever, who shall be thought necessary or proper to be examined as Witnesses or Witnesses touching or concerning the Premises; and shall examine all such Witnesses, before the said Jury, upon Oath (which Oath the said Trustees, or any or more of them, are hereby impowered and required to administer): And they shall also order and cause the said Jury to view the said Places in question, and to use all other lawful Ways and Means, as well for their own, as the said Jury's Information in the Premises, as they the said Trustees, or any or more of them shall think fit: And, after the said Jury shall have so inquired of, ascertained and settled, such Damages and Recompence, they the said Trustees, or any or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners, Occupiers, or Proprietors, of the said Land, Ground, Tenements, and Hereditaments, or other Persons interested therein, according to such

each the Verdict or Inquisition of the said Jury ; which said Verdict or ^{Jury's Verdict} Inquisition, Order, and Judgment, or Determination, so had and made, ^{to be final.} shall be final, and binding and conclusive, to all Intents and Purposes, against all Parties or Persons whatsoever claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, and Persons under any other Disabilities whatsoever, Bodies Politick, Corporate, and Collegiate, as well as all other Person or Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any-way interested in such Lands, Grounds, Tenements, and Hereditaments, shall thereby be, from henceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, or Property, of, in, to, or out of, the same : And for the summoning ^{Sheriff to} returning such Jury or Juries, the said Trustees, or any ^{or more of} ^{summon the} ^{Jury.} them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County where the Matter in Dispute shall arise, thereby commanding or requiring him to impanel, summon, and return, an indifferent Jury of ^{Persons,} to appear before the said Trustees, or any ^{or more of them,} at such Time and Place as in such Warrant shall be appointed; who is hereby required thereupon to impanel, summon, and return, such ^{Persons accordingly;} and, out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, the said Trustees, or any ^{or more of them,} shall swear, or cause to be sworn, ^{who shall} be the Jury for the Purposes aforesaid; and, in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of

Provided always, and be it further Enacted, by the Authority ^{Jurors may} ^{be challenged;} aforesaid, That all Persons concerned shall, from time to time, have their lawful Challenges against any of the said Jurymen, when they come to be sworn: And that the said Trustees, or any ^{or more of them,} ^{and Sheriff,} ^{&c. fined for} ^{Default.} acting in the Premises, shall have Power, from time to time, to impose on such Sheriff, his Deputy or Deputies, Bailiffs, or Agents, making Default in the Premises; or any of the Persons that shall be summoned and returned on such Jury, not appearing, or refusing to be sworn on the said Jury, and, being so sworn, and refusing, and not giving, their Verdict concerning the same, or in any other manner wilfully neglecting their Duties therein, contrary to the true Intent and Meaning of this Act; and on any Person or Persons, who, being required to give Evidence, before the said Jury, touching the Premises, shall refuse

to

to be examined, or to give Evidence, touching the same; and, from time to time, to impose such in such manner as and is by this present Act directed to be no such to exceed the Sum of upon any One Person; and all such shall be employed for such Uses, and in such Manner, as the said Tolls or Monies granted by this Act are to be laid out and applied.

Money allowed for Lands, &c. how to be charged and tendered.

And be it further Enacted, by the Authority aforesaid, That all and every such Sum and Sums of Money, Consideration, Recompence, Satisfaction, to be agreed for, ascertained, or assessed, as aforesaid, shall be, and are hereby, charged and chargeable upon all Tolls which shall be raised and received upon the said Roads; and the Monies borrowed on the Credit thereof shall be paid thereout, accordingly, to the Persons respectively intitled thereto, or to their respective Agents: And that, upon Payment or Tender thereof to the said Persons so respectively intitled thereto, and, in case of Refusal to accept the same, then, upon leaving the same in the Hands of the Clerk, for the Time being, to the Trustees, for the Use of such Person or Persons as the said Trustees, or any or more of them shall appoint the same to be paid unto, and after Notice thereof given to such Person or Persons, it shall and may be lawful for the said Trustees, or any or more of them, their Surveyors, Workmen, and Agents, to take into, and add to, the said Road, such Grounds, Lands, or Tenements, and to do all and every such Act, Matter, and Thing, with relation to the said Ground, Land, Tenements, and Hereditaments, so taken into, and added, or to be taken into, or added, to the said Road, and to ditch and fence out the same, as the said Trustees or any or more of them, shall think fit. And the said Grounds, Lands, or Tenements, so taken or to be taken in, when the same shall be so fenced and ditched, as aforesaid, shall, to all Intents and Purposes, from thenceforth become and be, and shall be deemed and taken to be, a publick and common Highway, and be from thenceforth Part of the said Roads, not only during the Continuance of this present Act but for ever after, and shall be repaired, and kept in Repair, by such Ways and Methods, and in all respects, in such manner as other Highways are by Law to be repaired, and kept in Repair; and that the same Lands and Grounds shall be for ever deemed, used, and applied, as and for Part of such Highways or Roads accordingly.

Mile-stones to be erected.

Provided always, and it is hereby Enacted and Declared, That the said Trustees, or any or more of them, shall, and are hereby empowered to contract with any Person or Persons for repairing, amending, and widening, the said Roads, or any Part thereof, and also for the erecting and setting up Mile-Stones, in, upon, or on the Sides of, the said Roads, or any Part thereof, in such manner, and for such Sum or Sums of Money as shall be agreed upon by and between the said Trustees, or any

or more of them, and such Person and Persons so contracting with the said Trustees, or any or more of them: And if any Person or Persons shall wilfully and maliciously break or pull up any of the Stones, or any Part thereof, which shall be so erected or set up, or shall obliterate or deface any of the Words, Letters, Figures, or Marks, which shall be ingraven and inscribed thereon, and shall be convicted thereof by the Confession of the Party, or by the Oath of One or more credible Witnesses or Witnesses, before the said Trustees, or any or more of them, or before any One or more Justice or Justices of the Peace for the said County of *Wilts* or *Southampton* respectively, where the Offence shall be committed (which Oath the said Trustees, or any or more of them, or the said Justice or Justices, is and are hereby impowered and required to administer); any such Person or Persons so offending shall respectively for each Stone so wilfully and maliciously broken, obliterated, defaced, or pulled up, to be of every such Offender, by Warrant under the Hand and Seal, or Hands and Seals, of the said Trustees, or any or more of them, or the Justice or Justices before whom such Conviction shall be made, such to be laid out and applied in repairing the Stones so broke, pulled up, obliterated, or defaced, or in supplying of new ones in their stead; and, if there shall be any Overplus of such the same shall be laid out in repairing the Roads aforesaid; and in case the Person or Persons so offending, and convicted, shall not have sufficient Goods or Chattels, then it shall and may be lawful for the said Trustees, or any or more of them, or any One or more of such Justice or Justices of the Peace, as aforesaid, by Warrant under their Hands and Seals respectively, to such Person or Persons' to for the said County of *Wilts* or *Southampton* respectively, where the Offence shall be committed, there to remain for the Space of to be reckoned from the Day of Commitment; and the Person or Persons shall not be discharged till he, she, or they, shall have paid the said Sum of or until the Expiration of the said

Penalty on
defacing
Mile-stones.

And be it further Enacted, That all Act imposed and incurred, as aforesaid, shall be recovered and (if no other Provision is hereby made for the Recovery and the same) of the Offender's Goods and Chattels, by Warrant or Warrants under the Hands and Seals of One or more Justice or Justices of the County or Place wherein the Offender or Offenders

by this Penalties how
recoverable.

ders shall reside; which Warrant or Warrants the said Justice or Justices is and are hereby impowered and required to grant, upon the Information of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer); and the when recovered, after rendering the Overplus (if any be) and demanded, to the Party and Parties whose Goods and Chattels shall be so (the Charges of such being first deducted), shall go, to be applied, and laid out (if not hereby otherwise directed to be applied, and laid out), for and towards amending the Roads wherein the said

shall respectively be incurred: And in case such Person or Persons so offending, and convicted, shall not have sufficient Goods and Chattels, then it shall and may be lawful to and for the said Trustees, or any or more of them, or any One or more Justice or Justices of the Peace, as aforesaid, by Warrant under their Hands and Seals, to such Person or Persons to the House of Correction for the said Counties of *Wilts* or *Southampton* respectively, as aforesaid, there to remain for the Space of and the said Person or Persons shall not be discharged till he, she, or they, shall have paid such or until the Expiration of such

Commence-
ment and
Continuance
of the Act.

And be it further Enacted, by the Authority aforesaid, That this Act and all the Tolls and Duties hereby granted, and made payable, and all other Powers hereby given, shall take Place and Commencement from and after the Day of One thousand Seven hundred and Fifty for and during the Term of Years, and from thence to the End of the then next Session of Parliament: But if, at any time before the Expiration of Years, the said Roads shall be sufficiently amended and repaired, and so adjudged by the said Justices of and for the said Counties of *Wilts* and *Southampton* respectively, as aforesaid, at their General Quarter-Sessions of the Peace, that then, and from and after such Adjudication made, and Repayment of all such Money as shall have been borrowed on the Credit of the said Tolls and Duties hereby granted, with Interest for the same, and the Costs and Charges thereof, and of obtaining this Act of Parliament, the aforesaid Tolls shall cease and determine; any thing herein contained to the contrary notwithstanding.

Trustees may
vary the
Tolls.

Provided always, and it is hereby Enacted, by the Authority aforesaid, That the said Trustees, or any or more of them, at a General Meeting to be held for that Purpose, whereof Notice shall be given

given at least Days before such Meeting, are hereby authorized and impowered, from time to time, in case it shall appear requisite and expedient, to lessen or reduce the Tolls or Duties hereby granted and made payable, and to order the same to be taken in such Manner, Parts, and Proportions, as they shall think fit; so as the respective Tolls, so varied, never exceed the Tolls granted by this Act, nor ever be lessened until all the Money borrowed on the Credit thereof, together with the Interest, be repaid, unless all such Persons to whom such Money and Interest is due, consent thereto; and such Tolls, so varied, shall be collected, recovered, laid out, and applied, in the same manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

And be it further Enacted, by the Authority aforesaid, That it shall be lawful to and for any of the said Trustees appointed, or to be appointed, to put this Act in Execution, who is, are, or shall be, in the Commission of the Peace for the said Counties of *Wilts* and *Southampton*, to act as a Justice or Justices of the Peace, in all Cases, Matters, and Things, as may be necessary for the more speedy and effectual putting into Execution the several Authorities and Powers in and by this Act mentioned, granted, and contained. Trustees being Justices of the Peace to act as such.

And, for continuing a sufficient Number of Trustees for putting this Act into Execution, Be it further Enacted, by the Authority aforesaid, that when and so often as any Trustee or Trustees shall die, remove, or refuse to act, it shall be lawful for the surviving Trustees, or any more of them, by any Writing or Writings, under their Hands, from time to time, and at all times hereafter, during the Continuance of this Act, to nominate, elect, and appoint, One or more fit Person or Persons, qualified as aforesaid, living in the said County of *Wilts* or *Southampton* respectively, as aforesaid, in the room or place of such Trustee or Trustees, so dying, removing, or refusing to act; and such Person or Persons, so nominated, elected, and appointed, shall be joined with such surviving or remaining Trustees: But Notice of the Time and Place of Meeting for the Election of all and every new Trustee or Trustees shall be given, in Writing, under the Hand of the Clerk to the said Trustees, for the Time being, to be fixed on all the Turnpike or Turnpikes which shall be erected by virtue of this Act, at least Days before the Meeting for such Election; and every such Person and Persons as shall, from time to time, be chosen and appointed to be joined with such surviving or remaining Trustees, shall and may, and he or they are hereby impowered to act, to all Intents and Purposes, as the said Trustees hereby appointed are impowered to act. On Death of Trustees, &c. others to be chosen.

And be it further Enacted, by the Authority aforesaid, That the said Trustees, or any or more of them, shall meet at First Meeting of Trustees.

themselves, and shall afterwards meet at the Place aforesaid, or at any other Place or Places in or near the said Roads so to be repaired, as the said Trustees, or any or more of them, shall think convenient or proper, as often as it shall be necessary for putting this Act in Execution: And if it shall happen that there shall not appear at any Meeting, or at an adjourned Meeting, that shall be appointed to be held by the said Trustees a sufficient Number of Trustees to act at such Meeting, and to adjourn to any other Day, then, in such Case, the Clerk or Clerks to the said Trustees, by Notice in Writing, under his or their Hand or Hands, to be fixed on all the said Turnpikes or Gates to be erected by virtue of this Act at least before the next Meeting, shall appoint the said Trustees to meet at the House where the Meeting of the said Trustees was appointed to be held, or at some other convenient House in or near the said Roads on which such last Meeting of the said Trustees was appointed to be held; and that the said Trustees, at the first and all their subsequent Meetings, shall defray their own Charges and Expences.

No Trustee to accept of any Place of Profit arising from the Tolls.

Provided always, and be it further Enacted and Declared, That no Person or Persons appointed, or to be appointed, by this Act, Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of Profit arising out of, or by reason of, any Tolls by this Act laid or granted; but such Person or Persons shall be incapable of acting as a Trustee or Trustees from the time of Accepting, and during the Enjoyment, of such Place of Profit, as aforesaid; and that no Person, who shall keep an Inn, Alehouse, or other Publick-house, or shall sell spirituous Liquors, shall be capable of taking or holding any Place of Trust or Profit under this Act.

Penalty on Persons assaulting the Gate-keeper, &c.

And be it further Enacted, by the Authority aforesaid, That if any Person or Persons shall assault any Gate-keeper, or Collector or Collectors the Tolls, or threaten him, her, or them, in the Execution of his, her, or their Office or Offices, or shall forcibly pass through any Turnpike-gate Toll-bar, Rail, or other Fence, set up by virtue of this Act, without paying the Toll appointed to be paid at such Gate, Bar, or Fence, the Party offending, upon Conviction by Oath of such Gate-keeper, or any other credible

credible Witness, or on Confession of the Parties themselves, before the said Trustees, or any or more of them, or before One or more Justice or Justices of the Peace for the said County of *Wilts* or *Southampton*, respectively, as aforesaid (who are hereby respectively impowered to summon the Party or Parties so offending, and to examine, hear, and determine, such Offence or Offences, in a summary Way), shall either forfeit and pay any Sum not exceeding one Moiety thereof to the Informer, and the other Moiety thereof to be paid and applied to the Use of the said Roads; or otherwise such Person or Persons so offending, and convicted as aforesaid, shall be ordered to be

Provided also, and be it further Enacted, by the Authority aforesaid, That any Conviction, Judgment, or Order, of the Justices of the Peace, at their General Quarter-Sessions, or of any Justice or Justices of the Peace, which shall be by them respectively awarded or made, in pursuance of this Act, or in the Execution of the Powers hereby to them respectively given, shall not be quashed, vacated, or discharged, for or on account of Form only; nor shall be removed by *Certiorari* into any of his Majesty's Courts of Record at *Westminster*; nor shall any Writ of *Certiorari* be allowed for that Purpose, until the Person or Persons, who shall sue out or prosecute such Writs, shall enter into a Bond, with sufficient Sureties in the to the Person or Persons in whose Favour such Conviction, Judgment, or Order, shall be made, conditioned for the prosecuting such Writ with Effect, and Payment of the Costs and Charges to be awarded by the Court, into which such Conviction, Judgment, or Order shall be, or be intended to be, removed, in case such Writ shall not be prosecuted with Effect, or such Conviction or Order shall be confirmed.

Conviction not to be quashed for want of Form.

Provided also, and be it further Enacted, by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgment, Conviction, Warrant, Assignment, Transfers, or other Security, for Securing of Money, or other Writing whatsoever, under the Hand and Seal, Hands and Seals of, or only signed by, any of the Trustee or Trustees for putting this Act in Execution, or any Justice or Justices of the Peace, or exhibited before them, or any of them, touching or concerning, or in the Execution of, any Power or Authority hereby vested in such Trustees or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp Duty whatsoever.

Writings to be without Stamps.

Assignments
to be entered
in a Book.

And it is hereby further Enacted, by the Authority aforesaid, That all and every Person or Persons, to whom any Assignment or Assignments shall be made by the said Trustees, or any or more of them, as a Security for any Sum or Sums of Money by any Person or Persons lent and advanced on the Credit and for the Purposes mentioned in this Act, or who shall be intitled to the Money thereby secured, shall and may, from time to time, by proper Words of Assignment, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hands and Seals, to be duly executed in the Presence of or more credible Witnesses, assign or transfer his, her, or their Right, Title, Interest, or Benefit, to the Principal and Interest-money thereby secured, or any Part thereof, to any Person or Persons whomsoever; which said Transfer or Assignment shall be produced and notified to the said Clerk or Clerks, Treasurer or Treasurers, appointed or to be appointed by the said Trustees, or any or more of them, within after the Date thereof, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Date, Parties, and Sum of Money therein mentioned to be transferred in the said Book, to be kept for the entering the said original Assignments, for the which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid the Sum of and no more; and, after such Entry made, such Assignment shall intitle such Assignee, his, her, and their Executors Administrators, and Assigns, to the Benefit thereof, and Payment thereon, and such Assignee may, in like manner, assign again, and so *toties quoties*, and it shall not be in the Power of such Person or Persons, who shall have made such Assignment, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof.

Limitation of
Actions.

Provided always, and be it further Enacted, by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons, for any thing to be done in pursuance of this Act, every such Action or Suit shall be brought within next after the

General Issue.

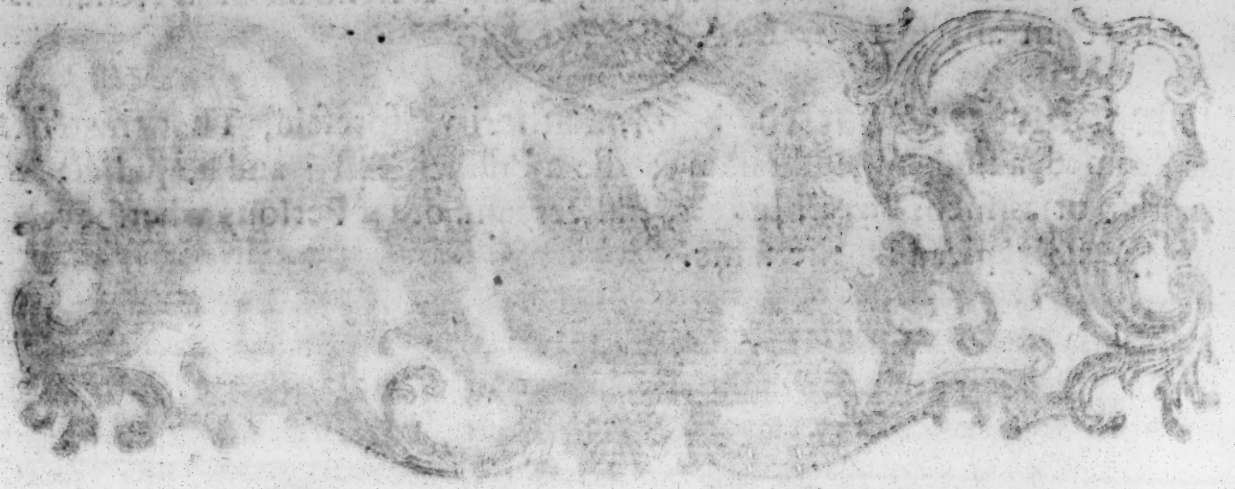
Fact committed, and not afterwards; and shall be laid in the County or Place where the Matter of Complaint shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, Not Guilty, and give this Act, and the Special Matter in Evidence, at any Tryal to be had thereupon; and that the same be done in Pursuance, and by the Authority, of this Act: And if it shall appear so to be done, or that such Action or Suit shall be brought in any other County, Place, or Places, that then the Jury shall find for the Defendant or Defendants: And upon such Verdict, or if the Plaintiff or Plaintiffs shall become Nonsuited, or discontinue his or their Action or Actions, after the Defendant or Defendants shall have appeared; or if, upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants shall and may recover

Costs.

Costs; upon an Affidavit made or a Certificate of the Judge or Judges, before whom such Case shall be tried, whereby it may appear, that such Action or Suit was prosecuted against

against such Defendant or Defendants, for Matters contained in this Act, and shall have such Remedy for the same, as any Defendant or Defendants hath or have in any Case by Law.

And be it further Enacted, by the Authority aforesaid, That this Act **Publick Act.** shall be deemed, adjudged, and taken, to be a Publick Act ; and be judicially taken notice of as such, by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.



*A BILL for Repairing and Im-
proving the Roads leading from
Lobcomb-Corner, in the Parish
of Winterlow, to Harnham-
Bridge, in the County of Wilts;
and from the Corner of Saint
Anne's-Street, in the City of
New-Sarum, to the Parishes of
Landford and Brook; and from
thence to Ealing, in the County
of Southampton.*

